

FIR No.634/2020
PS Wajirabad
U/s 380 IPC
State Vs. Amir Khan

11/06/2021

Present application u/s. 438 Cr.P.C. has been filed on behalf of accused Amir Khan for grant of anticipatory bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
IO has not joined the proceedings through V.C.
Mr. Sohaib Akhtar, Ld. Counsel for the accused Amir Khan (through V.C.).

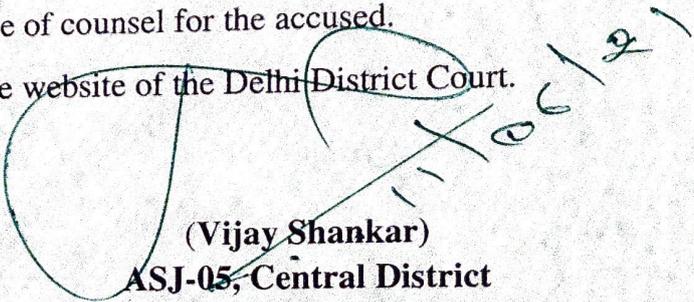
Ahlmad is absent.

Detailed report not filed by the SHO/ IO.

Issue notice to the SHO/ IO with direction to file complete/ appropriate/ detailed reply to the aforesaid bail application of the accused positively and IO is directed to appear on the next date of hearing

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 21/06/2021. Date of 21/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

FIR No.138/2021
PS Subzi Mandi
U/s 307/341/34 IPC
State Vs. Amit Kumar @ Parveen

Present application u/s. 439 Cr.P.C. has been filed on behalf of accused Amit Kumar @ Parveen for grant of interim bail for the period of 90 days under the H.P.C. guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
None has joined the proceedings through V.C. on behalf of the accused Amit Kumar @ Parveen.

Ahmad is absent.

In the interest of justice, I am not passing any adverse order on account of non-appearance of counsel for the accused.

Report not received from the IO.

Report received from the concerned Jail Superintendent.

Issue fresh notice to the SHO/ IO to file report regarding previous involvement of the accused and list of all pending cases against the accused on the next date of hearing.

The aforesaid bail application of the accused be put up for consideration on

23/06/2021.

Issue notice to the IO for the next date of hearing i.e. 23/06/2021.

Order be uploaded on the website of the Delhi District Court

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

3

Bail Application No.2041/2021
FIR No.51/2021
PS Civil Lines
U/s 498-A/306 IPC
State Vs. Hari Om Diwakar

11/06/21

Present 2nd application u/s. 439 Cr.P.C. has been filed on behalf of accused Hari Om Diwakar for grant of regular bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
IO/ W-SI Meena Chawla is present (through V.C.).
Sh. Hemant Kumar Singh, Ld. Counsel for the accused Hari Om Diwakar (through V.C.).
Sh. Gaurav Bhardwaj, Ld. Counsel for the complainant (through V.C.).

Ahlmad is absent.

TCR is not received. TCR be called for the next date of hearing.

At joint request, the aforesaid bail application of the accused be put up for consideration on 22/06/2021. Date of 22/06/2021 is given at the specific request and convenience of counsel for the parties.

IO is bound down for the next date of hearing i.e. 22/06/2021.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

6

**FIR No.94/2021
PS Subzi Mandi
U/s 420/411/34 IPC
State Vs. Mohd. Jahangir**

11/06/2021

Present first application u/s. 439 Cr.P.C. has been filed on behalf of the accused Mohd. Jahangir for grant of regular bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
IO/ SI Atul Sharma is present (through V.C.).
Mr. Wahaj Ahmed. Ld. Counsel for the accused Mohd. Jahangir (through V.C.).

Ahlmad is absent.

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Reply to the aforesaid bail application of the accused is filed by the IO.

It is submitted by counsel for the accused that in the present case, charge-sheet has already been filed and same is pending before the concerned Ld. MM.

TCR be called for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 23/06/2021, Date of 23/06/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 23/06/2021.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

7

FIR No.98/2021
PS Burari
U/s 307/34 IPC
State Vs. Naseem Ahmad

11/06/21

Present application u/s. 439 Cr.P.C. has been filed on behalf of the accused Naseem Ahmad for grant of interim bail.

(Proceedings Convened through Video Conferencing)

Present

Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).

IO/ SI Suresh Bhatia is present (through V.C.).

Sh. Vidur Sikka, Ld. Counsel for the accused Naseem Ahmad (through V.C.).

Ahmad is absent.

Issue notice of the present interim bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Reply to the aforesaid bail application of the accused is received.

It is submitted by counsel for the accused that in the present case, charge-sheet has already been filed and same is pending before the concerned Ld. MM.

TCR be called for the next date of hearing.

SHO/ IO is directed to file report regarding medical condition of mother of the accused, availability of the family members of the accused and whether immediate hospitalization of mother of the accused is required or not and also to file verification report of medical documents of mother of the accused on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 18/06/2021. Date of 18/06/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 18/06/2021.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/21(G)

FIR No.140/2019
PS Daryag/anj
U/s 302/147/148/34 IPC
State Vs. Suwaleen

11/06/2021

File taken up today on the application 439 Cr.P.C. of accused Suwaleen for grant of interim bail for the period of 90 days as per the H.P.C. guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
Sh. Vikrant Chowdhary, Ld. Counsel for the accused Suwaleen (through V.C.).

Ahlmad is absent.

It is submitted by counsel for the accused that the accused has filed the present interim bail application as per the H.P.C. guidelines as well as on the medical ground of wife of the accused. It is further submitted by counsel for the accused that the accused is not pressing the present interim bail application under the H.P.C. guidelines and the present interim bail application be treated only on medical grounds of wife of the accused. Heard. Request is allowed.

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Issue notice to the SHO/ IO to file report regarding medical condition of wife of the accused, availability of family members of the accused and whether immediate hospitalization of wife of the accused is required or not and also to file verification report of medical documents of wife of the accused on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 21/06/2021. Date of 21/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

SC No.12/2021
FIR No.59/2019
PS Burari
U/s 365/302/ 34 IPC
State Vs. Ajay Kumar

11/06/2021

File taken up today on the application 439 Cr.P.C. of accused Ajay Kumar for grant of interim bail for the period of 90 days as per the H.P.C. guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
IO/Inspector Ashok Kumar is present through V.C.
Sh. Sandeep Gupta, Ld. Legal Aid Counsel for the accused (through V.C.).

Ahlmad is absent.

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

SHO/ IO is directed SHO/ IO to file reply to the aforesaid bail application of the accused including the report regarding previous involvement of the accused and list of all pending cases against the accused on the next date of hearing.

Issue notice to the concerned Jail Superintendent to file the jail conduct report of the accused, period of custody of the accused, nominal roll of the accused and list of all pending cases against the accused, on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on **18/06/2021**. Date of 18/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

FIR No.20/2015
PS Kamla Market
U/s 302/396/412/34 IPC
State Vs. Adil @ Shahzada

11/06/2021

File taken up today on the application 439 Cr.P.C. of accused Adil @ Shahzada for grant of interim bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
IO/ Inspector Yashbir Singh is present (through V.C.).
Mr. Asghar Khan, Ld. Counsel for the accused Adil @ Shahzada (through V.C.).

Ahlmad is absent.

Report received from the Superintendent of Prison, Central Jail No.04, Tihar, New Delhi.

It is submitted by Addl. P.P. for the State the present application is not maintainable, as the accused has not surrendered timely after the expiry of interim bail period.

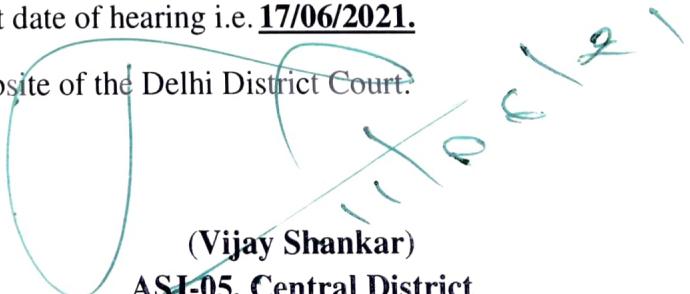
It is submitted by counsel for the accused that after the expiry of interim bail period, accused went to surrender before the concerned Jail Superintendent but the jail authorities refused to get him admitted in the jail and that is why, the accused surrendered before the concerned Jail Superintendent on 31.03.2021 and appropriate report in this regard be called form the concerned Jail Superintendent.

Heard. The concerned Jail Superintendent is directed to file appropriate report as to whether the accused has timely surrendered or not after the expiry of the interim bail period in terms of the directions passed by the Hon'ble Supreme Court and the Hon'ble High Court, on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration on **17/06/2021**. Date of 17/06/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. **17/06/2021**.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)



CNR No.DLCT01-013415-2019
SC No.125/2021
FIR No.303/2018
PS Kamla Market
U/s 392/395/397/34 IPC
State Vs. Saddam @ Bhura

11/06/2021

File taken up today on the application u/s. 439 Cr.P.C. of accused Saddam @ Bhura for grant of interim bail for the period of 90 days under the H.P.C. guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
Sh. S.G.Goswami, Ld. Counsel for the accused Saddam @ Bhura (through V.C.).

Ahlmad is absent.

It is submitted by counsel for the accused that he may be permitted to withdraw the present interim bail application of the accused. Heard. Request is allowed.

At the request of counsel for the accused, the present interim bail application of the accused Saddam @ Bhura is dismissed as withdrawn.

Order be uploaded on the website of the Delhi District Court.

Ld. Counsel for the accused is at liberty to collect the copy of the present order through electronic mode.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)



CNR No.DLCT01-003801-2015
SC No.162/2021
FIR No.134/2015
PS Lahori Gate
U/s 395/397/412/34 IPC and 25/27 Arms Act
State Vs. Tahir Hussain

11/06/2021

File taken up today on the application 439 Cr.P.C. of accused *Tahir Hussain* for grant of regular bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).

Mr. Amjad Khan, Ld. Counsel for the accused *Tahir Hussain* (through V.C.).

Ahlmad is absent.

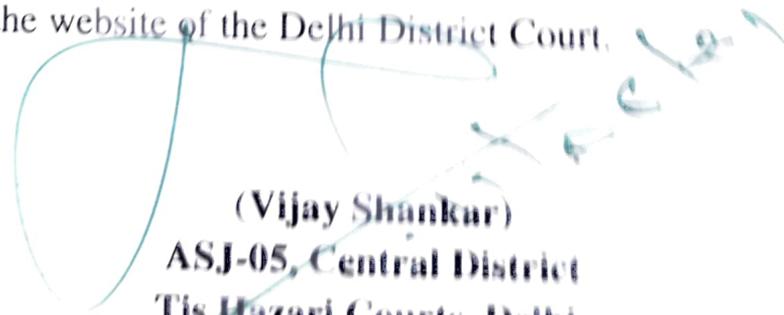
It is submitted by Addl. P.P. for the State that he has not gone through the complete file for the purpose of clarifications.

Addl. P.P. for the State and counsel for the accused seek further time for clarifications. Heard. Request is allowed.

Issue notice to the IO for the purpose of the clarifications, for the next date of hearing.

At joint request, the aforesaid bail application of the accused be put up for clarifications/ re-arguments on 17/06/2021. Date of 17/06/2021 is given at the specific request and convenience of counsel for the parties.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

CNR No.DLCT01-013415/2019
SC No.125/2021
FIR No.303/2018
PS Kamla Market
U/s 392/395/397/34 IPC
State Vs. Saddam @ Bhura

11/06/2021

File taken up today on the application 439 Cr.P.C. of accused Saddam @ Bhura for grant of regular bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
IO/ SI Naresh Kumar is present (through V.C.).
Sh. S.G. Goswami, Ld. Counsel for the accused Saddam @ Bhura (through V.C.).
IO/ SI Nishant Dahiya has not joined the proceedings through V.C., as he is stated to be out of station.

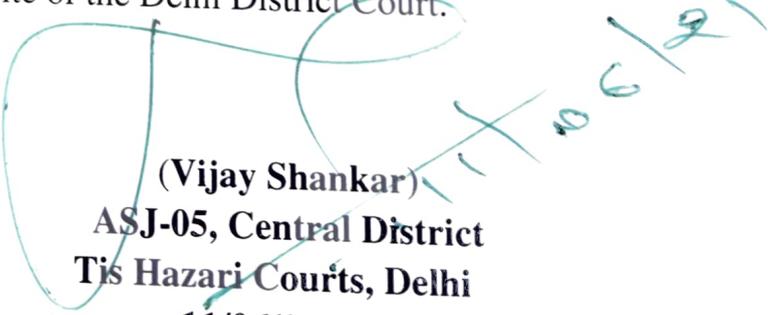
Ahlmad is absent.

Issue fresh notice to the IO/ SI Nishant Dahiya, for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 23/06/2021. Date of 23/06/2021 is given at the specific request and convenience of counsel for the accused.

IO/ SI Naresh Kumar is bound down for the next date of hearing i.e. 23/06/2021.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

FIR No. 303/2014
PS Subzi Mandi
U/s 302/307/120-B/34 IPC and 25/27/54/59 Arms Act
State Vs. Karan @ Raj Karan

11/06/2021

File taken up today on the application u/s. 439 Cr.P.C. of accused Karan @ Raj Karan for grant of interim bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
IO/ Inspector Rajesh Kumar is present (through V.C.).
None has joined the proceedings through V.C. on behalf of the accused Karan @ Raj Karan.

Ahlmad is absent.

In the interest of justice, I am not passing any adverse order on account of non-appearance of counsel for the accused.

Report filed by the IO.

It is submitted by the IO that mother of the accused has not got conducted her ultrasound.

SHO/ IO is directed to file further report on the next date of hearing regarding medical condition of mother of the accused, availability of the family members of the accused and as to whether immediate hospitalization/ surgery of mother of the accused is required or not and if surgery is planned, for which date.

The aforesaid bail application of the accused be put up for consideration on **19/06/2021.**

IO is bound down for the next date of hearing i.e. **19/06/2021.**

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

**FIR No.87/2018
PS Gulabi Bagh
U/S 308/323/341/34 IPC
State Vs. Sunder @ Rahim**

11/06/2021

File taken up today on the third application 439 Cr.P.C. of accused Sunder @ Rahim for grant of interim bail for the period of 90 days under the H.P.C. guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
Sh. Kamlesh Kumar, Ld. Legal Aid Counsel for the accused Sunder @ Rahim (through V.C.).

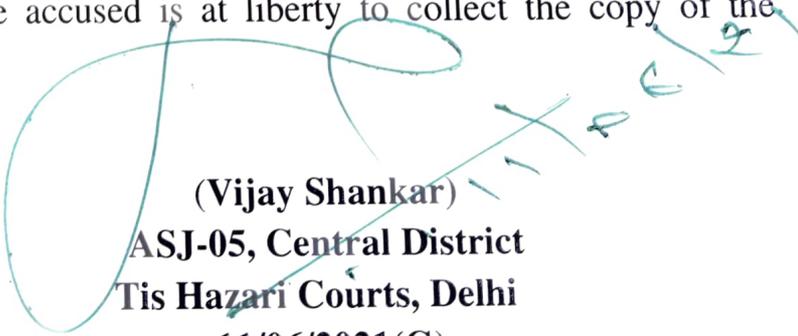
Ahlmad is absent.

It is submitted by legal aid counsel for the accused that in the present case, interim bail application of the accused Sunder @ Rahim has already been allowed by this Court vide order dated 10/06/2021 and in view of the same, he may be permitted to withdraw the present interim bail application of the accused. Heard. Request is allowed.

At the request of legal aid counsel for the accused, the present interim bail application of the accused Sunder @ Rahim is dismissed as withdrawn.

Order be uploaded on the website of the Delhi District Court.

Legal Aid Counsel for the accused is at liberty to collect the copy of the present order through electronic mode.


**(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)**

CNR No.DLCT01-009469-2020
SC No.190/2021
FIR No.147/201
PS Nabi Karim
State Vs. Danish Ali

11/06/2021

File taken up today on the application u/s. 439 Cr.P.C. of the accused Danish Ali for grant of regular bail.

(Proceedings Convened through Video Conferencing)

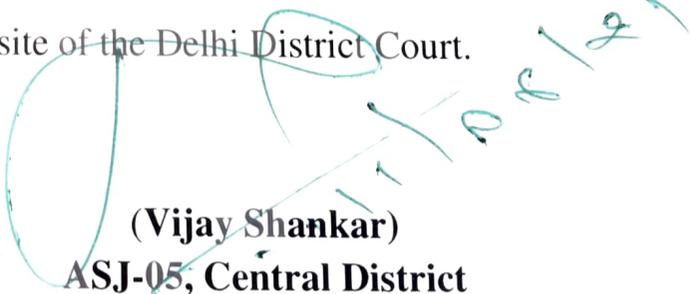
Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).

None has joined the proceedings through V.C. on behalf of the accused Danish Ali.

Ahlmad is absent.

None has joined the proceedings through V.C. on behalf of the accused even on 24/05/2021 and 03/06/2021. It appears that the accused/ counsel is not willing to pursue the present bail application. Accordingly, the present bail application of the accused Danish Ali is dismissed in default on non-appearance.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

**FIR No.303/2014
PS Subzi Mandi
U/s 302/307/34 IPC
State Vs. Surender**

11/06/2021

File taken up today on the application u/s. 439 Cr.PC of accused Surender for grant of interim bail for the period of 90 days.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
IO/ Inspector Bhanu Pratap Singh is present through V.C.
Sh. Neeraj Kumar Jha, Ld. Counsel for the accused Surender (through V.C.).

Ahlmad is absent.

Report received from the concerned Jail Superintendent.

Report is stated to be filed by the IO.

Counsel for the accused and IO seek time for filing the status of all pending cases against the accused. Heard. Request is allowed. Status of all pending cases against the accused be filed positively on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on **18/06/2021**. Date of 18/06/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. **18/06/2021**.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

**FIR No.364/2014
PS Sadar Bazar
U/s 302 IPC
State Vs. Mohd. Kadir**

11/06/2021

File taken up today on the application u/s. 439 Cr.P.C. of accused Mohd. Kadir for grant of interim bail for a period of 90 days.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
Sh. Sandeep Gupta, Ld. Legal Aid Counsel for the accused Mohd. Kadir (through V.C.).

Ahlmad is absent.

Report not received from the concerned Jail Superintendent.

Issue fresh notice to the concerned Jail Superintendent to file report as to whether the accused Mohd. Kadir has timely surrendered in the jail after the expiry of interim bail period or not, on or before next date of hearing.

Counsel for the accused seeks time for clarifications in respect of maintainability of the present application.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration on 18/06/2021. Date of 18/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

FIR No.304/2020
PS Karol Bagh
U/s 386/392/397/506/34 ipc & 25/54/49 Arms Act
State Vs. Keshav Kakkar

11/06/2021

File taken up today on the application 439 Cr.P.C. of accused Keshav Kakkar for grant of interim bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).
Sh. Kanwar Udai Bhan Singh, Ld. Counsel for the accused Keshav Kakkar (through V.C.).

Ahlmad is absent.

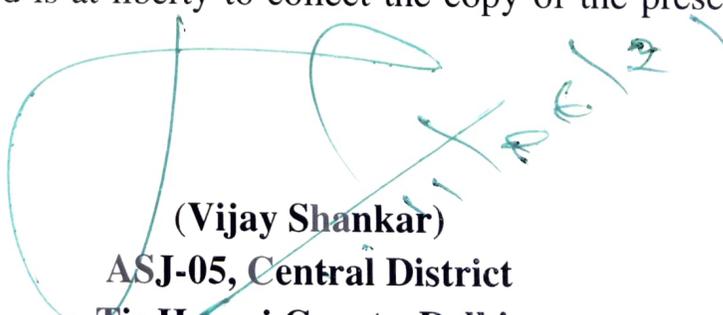
Reply regarding status of pending cases against the accused is received.

It is submitted by counsel for the accused that he may be permitted to withdraw the present interim bail application of the accused. Heard. Request is allowed.

At the request of counsel for the accused, the present interim bail application of the accused Keshav Kakkar is dismissed as withdrawn.

Order be uploaded on the website of the Delhi District Court.

Ld. Counsel for the accused is at liberty to collect the copy of the present order through electronic mode.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

Bail Application No. 2252/2021
FIR No. 02/2021
PS Crime Branch
U/s 419/420/468/471/506/120-B/34 IPC
State Vs. Mudassir Habib & Ors.

11/06/2021

Present application u/s 439 Cr.P.C has been filed on behalf of accused Mudassir Habib for grant of interim bail for the period of 90 days as per HPC guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).

None has joined the proceedings via video conferencing on behalf of the accused Mudassir Habib.

Ahlmad is absent.

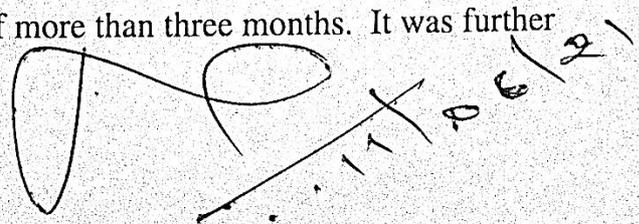
TCR is received.

Reply to the aforesaid bail application of the accused is already stated to be received.

By way of present order, this Court shall disposed of interim bail application of the accused Mudassir Habib for the period of 90 days.

Arguments have already been heard on the aforesaid interim bail application of accused Mudassir Habib. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, the accused be released on interim bail for the period of 90 days. It was further submitted that case of the accused falls in the criteria of minutes of HPC guidelines dated 04/05/2021. It was further submitted that on the last year, in number of cases, interim bail was granted to the inmates in the cases investigated by the Crime Branch. It was further submitted that the accused is in J/C in the present case for the period of more than three months. It was further

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submitted that the accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

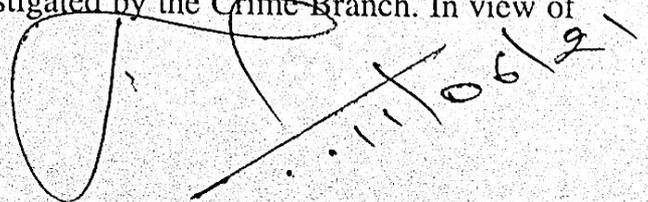
During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed. It was further submitted that as per minutes of H.P.C. guidelines dated 04/05/2021, the interim bail application of the accused cannot be considered as the present matter is investigated by the Crime Branch and in view of the same, the aforesaid interim bail application of the accused is not maintainable and same be dismissed.

It is mentioned in the exclusion clause of minutes of H.P.C. guidelines dated 04/05/2021 that:-

“ It has been further resolved that the following category of UTPs, even if falling in the above criterion should not be considered:-

(vi) Cases investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, Terror related cases, Riot cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.”

The present has been investigated by the Crime Branch. As per aforesaid minutes of HPC guidelines dated 04/05/2021, the application for interim bail should not be considered where the case is investigated by the Crime Branch. The case of the accused for the purpose of grant of interim bail is not covered under the HPC guidelines as it falls under the aforesaid exclusion Clause no. (vi) as the present case has been investigated by the Crime Branch. Counsel for the accused has not filed any case laws of Hon'ble Superior Courts to show that interim bail can be granted as per minutes of HPC guidelines dated 04/05/2021 and 11/05/2021 where the case is investigated by the Crime Branch. In view of

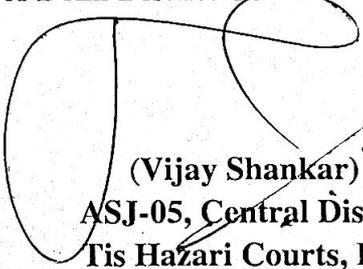


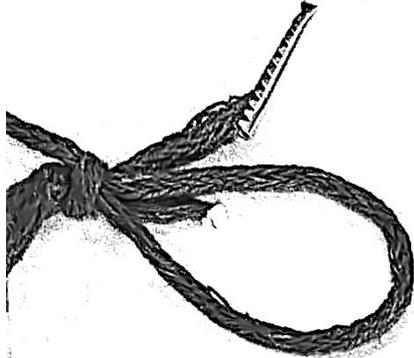
the minutes of H.P.C. guidelines dated 04/05/2021, the present interim bail application of the accused is not maintainable. Keeping in view the directions dated 07/05/2021 passed by the Hon'ble Supreme Court of India and H.P.C. guidelines dated 04/05/2021 and 11/05/2021, facts and circumstances of the case, gravity of offence and nature of serious allegations levelled against the accused, this Court is of the considered opinion that no ground for interim bail of accused is made out. Accordingly, the present interim bail application of accused Mudassir Habib is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action. Copy of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO. Ld. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

TCR alongwith copy of this order be sent to the Ld. Concerned Court.

Order be uploaded on the website of Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(A)



SC No.59/2021
FIR No.289/2018
PS Prasad Nagar
U/s 307/341/174-A IPC
State Vs. Pankaj Nagar @ Keshav

11/06/2021

File taken up today on application u/s. 439 Cr.P.C. for extension of interim bail of the accused Pankaj Nagar @ Keshav for the period of 90 days.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).

IO/SI Ram Avtar is present (through V.C.).

Sh. S.G. Ashthana, Ld. Counsel for the accused Pankaj Nagar @ Keshav (through V.C.).

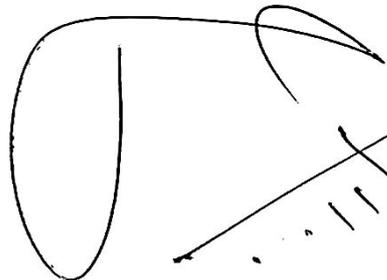
Ahlmad is absent.

Reply of the aforesaid application for extension of interim bail of the accused has been filed by the IO.

By way of present order, this Court shall disposed of application u/s. 439 Cr.P.C. of the accused Pankaj Nagar @ Keshav for extension of interim bail for the period of 90 days.

Arguments heard on the aforesaid application for extension of interim bail of the accused Pankaj Nagar @ Keshav. Perused the material available on record.

During the course of arguments, it was submitted by counsel for the accused that interim bail was granted to the accused vide order dated 20/05/2021 passed by the Ld. Vacation Judge/ ASJ-04 (Central), Tis Hazari Courts, Delhi for the period of 21 days. It was further submitted that period of interim bail is going to be expired on 13/06/2021. It was further submitted that the medical condition of father of the accused is very critical and father of the accused could not be operated upon due to high Blood Pressure and Sugar. It was further submitted that operation of father of the accused will be conducted in the next week, as told by the doctor. It was further submitted that there is no other family member available in the family


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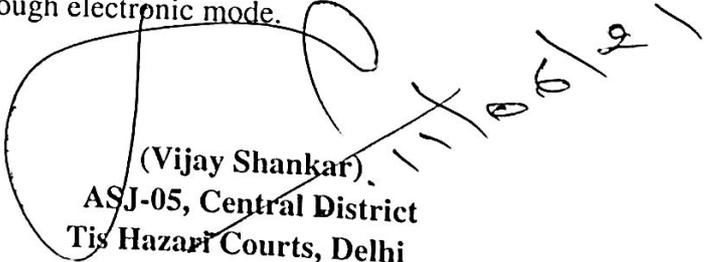
except the old aged mother to look after the father of the accused. It was further submitted that mother of the accused is also not keeping well. It was further submitted that the interim bail of the accused be extended for the period of 30 days and the accused shall not seek further extension of interim bail on any ground and accused shall be abide by all terms and conditions, if the interim bail of the accused is extended and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid application for extension of interim bail, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present application of the accused be dismissed.

In the report filed by the IO, it is mentioned that father of the accused could not be operated upon due to high Blood Pressure and Sugar.

Considering the facts, circumstances, submissions made and report filed by the IO, the present application u/s. 439 Cr.P.C. of the accused Pankaj Nagar @ Keshav for extension of interim bail is allowed for the further period of 15 days subject to same terms and conditions as imposed vide order dated 20/05/2021 passed by the Ld. Vacation Judge/ ASJ-04 (Central), Tis Hazari Courts, Delhi and also subject to the condition that the accused shall not seek further extension of interim bail on any ground. Accused shall surrender before the concerned Jail Superintendent after the expiry of interim bail period.

A copy of this order be sent to the concerned Jail Superintendent through email for information and necessary action. Copy of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO for compliance. Ld. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.


(Vijay Shankar),
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(G)

Bail Application No. 1090/2021
FIR No. 263/2019
PS Crime Branch
U/s 419/420/467/468/471/201/120-B/34 IPC
State Vs. Jitender Mandal Sharma @ Jitu & Ors.

11/06/2021

Present application u/s 439 Cr.P.C for grant for regular bail has been filed on behalf of accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai.

(Proceedings Convened through Video Conferencing)

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.)
None has joined the proceedings via video conferencing on behalf of the accused.

Ahlmad is absent.

TCR already stated to be received.

By way of present order, this Court shall disposed of bail application u/s. 439 Cr.P.C. of the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai.

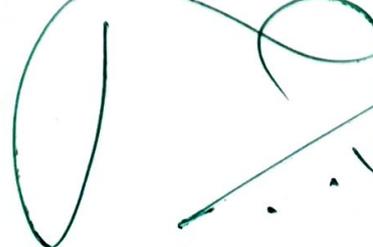
Arguments have already been heard on the aforesaid bail application of accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai. Perused the material available on record.

During the course of arguments on the aforesaid bail application, it was submitted by counsel for the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai that the present bail application is the first bail application of the accused before Sessions Court. It was further submitted that the accused has been falsely implicated in the present case and there is no incriminating evidence against

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the accused and investigation in the present case has already been completed and the accused is no more required for the purpose of further investigation as charge-sheet has been filed in the present case and same is pending before the concerned Ld. CMM. It was further submitted that the present matter has been duly compromised between the parties and on the basis of compromise, accused Jitender Kumar Mandal was granted bail by the court of Sh. Deepak Dabas, Ld. ASJ, Tis Hazari Courts, Delhi. It was further submitted that the present matter has been compromised between the complainants and the accused persons and same is reflected from the order-sheets dated 01/02/2021, 05/04/2021 and 07/05/2021. It was further submitted that earlier, the accused was on interim bail and the accused has already surrendered after the expiry of interim bail period and accused has not misused the liberty granted by way of interim bail. It was further submitted that accused has no previous criminal history or conviction. It was further submitted that accused is in J/C since 09/09/2019 and no useful purpose will be served by keeping the accused behind the bars and bail be granted to accused and accused shall be abide by all terms and conditions imposed by the court.

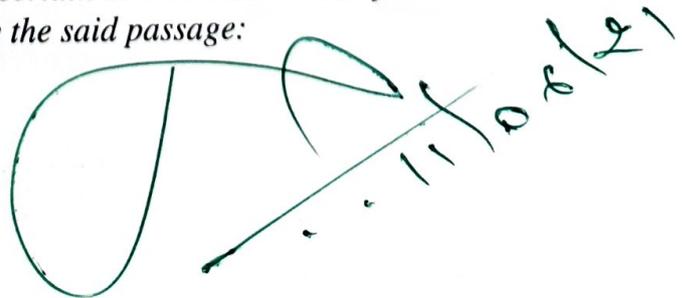
During the course of arguments, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and accused can abscond, if the bail is granted to the accused. It was further submitted that interim bail application of the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai is pending before the Hon'ble High Court of Delhi and same is fixed for 07/07/2021. It was further submitted that accused has filed the present bail application only on the ground that the present matter has been compromised between the complainants and the accused persons including accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai but in fact no compromise has been effected between the complainants and the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai. It was further submitted that in the reply of the IO of the


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bail application, it is mentioned that the complainants were approached and they told that they have not compromised the matter with the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai and the statement of the complainants was also recorded in this regard before the Court of Sh. Deepak Dabas, Ld. ASJ, Tis Hazari Courts, Delhi. It was further submitted that accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai is one of the main conspirator and he is the part of well organized racket and involved in cheating the innocent job-seekers in abroad on the pretext of providing them VISA for job in foreign countries and many persons fell prey to their evil desires. It was further submitted that from the order-sheets dated 01/02/2021, 05/04/2021 and 07/05/2021, it is nowhere reflected that the present matter has been compromised between the complainants and the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai. It was further submitted that accused is habitual offender and he is involved in two other similar criminal cases. It was further submitted that there is sufficient incriminating material against the accused and bail application of the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai be dismissed.

It was held by the Hon'ble Supreme Court of India in case titled as **“Virupakshappa Gouda and Anr. Vs. State of Karnataka and Anr.”** {(2017) 5 SCC 406} that :

*“15. The court has to keep in mind what has been stated in **Chaman Lal v. State of U.P.** The requisite factors are: (i) the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence; (ii) reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and (iii) prima facie satisfaction of the court in support of the charge. In **Prasanta Kumar Sarkar v. Ashis Chatterjee**, it has been opined that while exercising the power for grant of bail, the court has to keep in mind certain circumstances and factors. We may usefully reproduce the said passage:*



“9....among other circumstances, the factors which are to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to be believe that the accused had committed the offence.

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.”

16. In **CBI v. V. Vijay Sai Reddy**, the Court had reiterated the principle by observing thus:- “ 34. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words “reasonable grounds for believing” instead of “the evidence” which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

17. From the aforesaid principles, it is quite clear that an order of bail cannot be granted in an arbitrary or fanciful manner. In this context, we may, with profit, reproduce a passage from **Neeru Yadav v. State of U.P.**, wherein the Court setting aside an order granting bail observed:

“16. The issue that is presented before us is whether this Court can annul the order passed by the High Court and curtail the liberty of the second respondent? We are not oblivious of the

fact that the liberty is a priceless treasure for a human being. It is founded on the bedrock of constitutional right and accentuated further on human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be paralysed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. The society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law."

It was held by the Hon'ble Supreme Court of India in case titled as
"Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Anr."
 {2004 Cri. L.J. 1796 (1)} that :

"11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at

the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the Court granting bail to consider among other circumstances, the following factors also before granting bail; they are,

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;*
- (b) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- (c) Prima facie satisfaction of the Court in support of the charge.*

12. In regard to cases where earlier bail applications have been rejected there is a further onus on the Court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the Court is of the opinion that bail has to be granted then the said Court will have to give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted.

14. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.

20. Before concluding, we must note though an accused has a right to make successive applications for grant of bail the Court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the Court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications....."

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It was held by the Hon'ble Supreme Court of India in case titled as "**Satish Jaggi Vs. State of Chhatisgarh and Ors.**" {AIR 2007 SC (Supp) 256} that :

"5. It is well settled law that in granting or non-granting of bail in non-bailable offence, the primary consideration is the nature and gravity of the offence....."

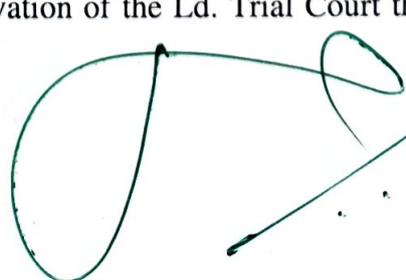
12.At the stage of granting of bail, the court can only go into the question of the prima-facie case established for granting bail. It cannot go into the question of credibility and reliability of the witnesses put up by the prosecution. The question of credibility and reliability of prosecution witnesses can only be tested during the trial."

It was held by the Hon'ble Supreme Court of India in case titled as "**Gurucharan Singh & Others Vs. State**" {AIR 1978 SC 179 (1)} that :

"29. We may repeat the two paramount considerations, viz likelihood of the accused fleeing from justice and his tampering with prosecution evidence relate to ensuring a fair trial of the case in a court of justice. It is essential that due and proper weight should be bestowed on these two factors apart from others. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail."

In the present case, allegations against the accused are of the offences u/s 419/420/467/468/471/201/120-B/34 IPC.

Order-sheets dated 01/02/2021, 05/04/2021 and 07/05/2021 of Ld. Trial Court are perused. On 01/02/2021, the complainants were appeared before the Ld. Trial Court. In the order-sheet dated 01/02/2021, the complainants nowhere submitted that they have compromised the matter with the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai. In the order-sheets dated 05/04/2021 and 07/05/2021, there is no specific observation of the Ld. Trial Court that the present

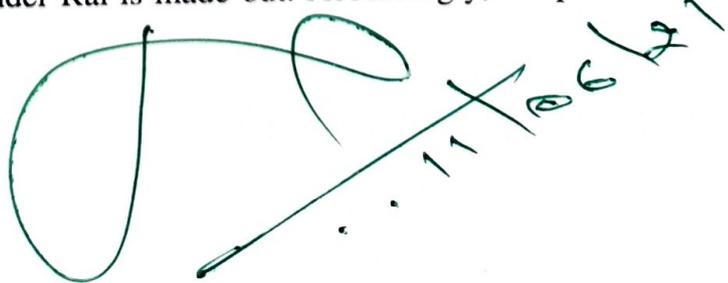
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mater has been compromised between the complainants and the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai.

On 10/02/2021, joint statement of three complainants was recorded by Sh. Deepak Dabas, Ld. ASJ, Tis Hazari Courts, Delhi and in the aforesaid statement, it was mentioned that the complainants have compromised the matter with accused Jitender Kumar Mandal in Mediation Cell. On perusal of the file, it is revealed that the complainants have filed an application dated 21/01/2021 wherein it is mentioned that the complainants have compromised the matter with the accused Jitender Kumar Mandal. In the said application, it is nowhere mentioned that the complainants have compromised the matter with accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai. The accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai has not filed any MOU/compromise deed in the present case to show that the present matter has been compromised between the complainants and accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai.

The contentions of counsel for the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai that the accused has been falsely implicated in the present case and there is no incriminating evidence against him is not tenable at this stage as it is well settled law that at the stage of considering bail, it would not be proper for the Court to express any opinion on the merits or demerits of the prosecution case as well as defence. In the present case, charge is yet to be framed and complainants/ public witnesses are yet to be examined. Accused is stated to be habitual offender and stated to be involved in two other criminal cases of similar nature.

Keeping in view the facts and circumstances of the case, gravity of offence and nature of serious allegations levelled against the accused, this Court is of the considered opinion that no ground for regular bail of the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai is made out. Accordingly, the present



11/06/21

application for regular bail of the accused Pradeep Kumar Kattamuri @ Vinod @ Virender Rai is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through email for information. Ld. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

TCR alongwith copy of this order be sent to the Ld. Concerned Court.

Order be uploaded on the website of Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11/06/2021(A)